

Central Intelligence Agency

OCA 88-1235



Washington D.C. 20505

OCA FILE

*OSC/Reg*

19 APR 1988

Ms. Helen Kalbaugh  
Committee on Environment and Public Works  
United States Senate  
Washington, D.C. 20510

Dear Ms. Kalbaugh:

As you requested today, I am enclosing the amendment to S-2186, the Public Buildings Amendments of 1988, and the statement to be used by the Committee to introduce the amendment when the bill reaches the floor of the Senate.

We very much appreciate your willingness to hear and understand the concerns that the Agency has with S-2186. If you have any additional questions, please do not hesitate to call.

Sincerely,

Office of Congressional Affairs

Enclosure

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Public Buildings Amendments of 1988  
S. 2186

Insert a new section 8 as follows and renumber the current section 8 section 9:

Section 8. Certain Other Authorities.

Nothing in this act shall be construed to affect the authorities granted in sections 5, 6 and 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f, 403g and 403j).

## COLLOQUY

MR. BURDICK. Mr. President, will the Senator yield?

MR. MOYNIHAN. I yield.

MR. BURDICK. The committee proposes to offer an amendment to ensure the protection of national security information under this bill.

Section 3 of the bill, which is one of its central provisions, requires the Administrator of the General Services Administration to determine, and so advise the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives of his reasons for the determination, that an agency may lease space to accommodate major computer operations; secure or sensitive activities related to the national defense or security, except when inappropriate to locate such in a public building or facility identified with the Federal Government; and offices that require major alterations in the structure or mechanical system of the building. It is obvious that this provision is aimed to cut down on the costs to the Government of leasing space.

However, most of the Central Intelligence Agency's leased space falls within these categories. Section 5(e) of the Central Intelligence Agency Act of 1949 permits the Agency to make alterations, improvements and repairs on premises it leases without regard to costs, so long as the Director certifies that these actions are necessary for the successful performance of the Agency's functions or the security of its activities. Further, section 6 of that same law exempts the Agency from providing information regarding its functions. Lastly, section 8 of the CIA Act allows the Agency to expend sums, notwithstanding any other law, for various purposes necessary to carry out its functions, including acquiring necessary land and renting and operating buildings. In order to protect classified information in the interest of national security, it is important that CIA's rights in these areas be preserved.

Section 5 of the bill allows GSA to turn over Federal land or interests to a state without consulting with the affected agency, whenever GSA considers it "desirable." The committee believes that the CIA and not the GSA is in the best position to decide when such action is "desirable" for CIA's buildings.

This section also requires that GSA not commit to the construction of a building for lease to an agency until it has established detailed specifications for each building. Such specifications would be issued by regulation and could constitute a breach of security with respect to Agency buildings. This argument also holds true for that portion of section 5 requiring publicly solicited competitive bids for buildings constructed for lease to an agency and for that portion requiring GSA inspections of buildings.

To protect the Agency's, and the Federal Government's, interests in preserving secrets vital to this country's national security, the committee sends an amendment to the desk and asks for its immediate consideration.

THE PRESIDING OFFICER. The clerk will report.